

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAUL CHAVEZ,

Defendant.

8:23–CR–224

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the Government’s Motion for Preliminary Order of Forfeiture. [Filing 39](#). Having reviewed the record in this case and being duly advised in the premises, the Court finds as follows:

1. On May 14, 2024, Defendant Saul Chavez and the Government entered into a plea agreement which provided that the Defendant would plead guilty to Count II of the Indictment. [Filing 37 at 1](#), 8. Count II charges the Defendant with possession with intent to distribute 500 grams or more of a mixture or substance containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1). [Filing 1 at 1](#).

2. The Defendant further agreed to admit to the Forfeiture Allegation in the Indictment. [Filing 37 at 1](#). The Forfeiture Allegation provides that the property to be forfeited includes, “\$25,622 seized from the possession of SAUL CHAVEZ on or about June 15, 2023.” [Filing 1 at 2](#). The Forfeiture Allegation sought forfeiture of this currency on the basis that it constituted or was derived from proceeds obtained, directly or indirectly, as the result of the offense alleged in Count II of the Indictment, or to facilitate the commission of this offense. [Filing 1 at 2](#).

3. On May 15, 2024, the Defendant appeared before a United States Magistrate Judge and entered his plea of guilty to Count II of the Indictment. [Filing 40 at 20](#). During this hearing, the Defendant admitted to the Forfeiture Allegation as well. [Filing 40 at 18–19](#). After conducting a *de novo* review of the matter, the Court accepted the Defendant’s guilty plea. [Filing 41](#).

4. By virtue of the Defendant’s plea of guilty and his admissions at the hearing before the Magistrate Judge on May 15, 2024, the Defendant has forfeited his interest in the “\$25,622 seized from the possession of SAUL CHAVEZ on or about June 15, 2023.” [Filing 1 at 2](#). The Government is entitled to possession of said currency pursuant to [21 U.S.C. § 853](#). Accordingly,

IT IS ORDERED:

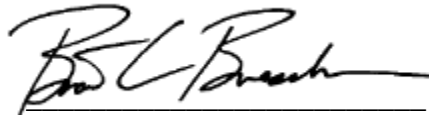
1. The Government’s Motion for Preliminary Order of Forfeiture, [Filing 39](#), is granted;
2. Based upon the Forfeiture Allegation of the Indictment, Defendant’s plea of guilty to Count II of the Indictment, and the Defendant’s admissions at the change of plea hearing, the Government is hereby authorized to seize the \$25,622 in United States currency;
3. Defendant’s interest in the \$25,622 in United States currency is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#);
4. The \$25,622 in currency is to be held by the Government in its secure custody and control;
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov., notice of this Preliminary Order of Forfeiture, notice of publication evidencing the

government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the Property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the Property and any additional facts supporting the Petitioner's claim and the relief sought.
7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the Property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 18th day of June, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brian C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge